



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 210217-0022]

RTID 0648-XB592

Fisheries of the Exclusive Economic Zone Off Alaska; Several Groundfish Species in the Bering Sea and Aleutian Islands Management Area

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; apportionment of reserves; request for comments.

SUMMARY: NMFS apportions amounts of the non-specified reserve to the initial total allowable catch (ITAC) of Bering Sea (BS) Pacific ocean perch, BS trawl sablefish, Bering Sea and Aleutian Islands (BSAI) shortraker rockfish, BSAI skates, BSAI sharks, and Central Aleutian Islands and Western Aleutian Islands (CAI/WAI) blackspotted/rougeye rockfish. This action is necessary to allow the fisheries to continue operating. It is intended to promote the goals and objectives of the fishery management plan for the BSAI management area.

DATES: Effective November 16, 2021, through 2400 hrs, Alaska local time, December 31, 2021. Comments must be received at the following address no later than 4:30 p.m., Alaska local time December 1, 2021.

ADDRESSES: Submit your comments, identified by docket number NOAA-NMFS-2020-0141, by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <https://www.regulations.gov/docket/NOAA-NMFS-2020-0141>

2020-0141 click the “Comment” icon, complete the required fields, and enter or attach your comments.

- *Mail:* Submit written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS. Mail comments to P.O. Box 21668, Juneau, AK 99802-1668.

Instructions: NMFS may not consider comments if they are sent by any other method, to any other address or individual, or received after the comment period ends. All comments received are a part of the public record and NMFS will post the comments for public viewing on www.regulations.gov without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender is publicly accessible. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the BSAI Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2021 ITAC of BS Pacific ocean perch was established as 9,165 metric tons (mt), the 2021 ITAC of BS trawl sablefish was established as 1,443 mt, the 2021 ITAC of BSAI shortraker rockfish was established as 425 mt, the 2021 ITAC of BSAI skates was established as 15,300 mt, the 2021 ITAC of BSAI sharks was established as 170 mt, and the 2021 ITAC of CAI/WAI blackspotted/rougheye rockfish was established as 144 mt by the final 2021 and 2022 harvest specifications for groundfish of the BSAI (86 FR

11449, February 25, 2021). In accordance with § 679.20(a)(3) the Regional Administrator, Alaska Region, NMFS, has reviewed the most current available data and finds that the ITACs for BS Pacific ocean perch, BS trawl sablefish, BSAI shortraker rockfish, BSAI skates, BSAI sharks, and CAI/WAI blackspotted/roughey rockfish need to be supplemented from the non-specified reserve to promote efficiency in the utilization of fishery resources in the BSAI and allow fishing operations to continue.

Therefore, in accordance with § 679.20(b)(3), NMFS apports from the non-specified reserve of groundfish to ITACs in the BSAI management area as follows: 1,617 mt to BS Pacific ocean perch, 128 mt to BS trawl sablefish, 116 mt to BSAI shortraker rockfish, 4,700 mt to BSAI skates, 347 mt to BSAI sharks, and 25 mt to CAI/WAI blackspotted/roughey rockfish. These apportionments are consistent with § 679.20(b)(1)(i) and do not result in overfishing of any target species because the revised ITACs and total allowable catches (TACs) are equal to or less than the specifications of the acceptable biological catch in the final 2021 and 2022 harvest specifications for groundfish in the BSAI (86 FR 11449, February 25, 2021).

The harvest specification for the 2021 ITACs and TACs included in the harvest specifications for groundfish in the BSAI are revised as follows 10,782 mt for BS Pacific ocean perch, 1,571 mt for BS trawl sablefish, 541 mt for BSAI shortraker rockfish, 20,000 mt for BSAI skates, 517 mt for BSAI sharks, and 169 mt for CAI/WAI blackspotted/roughey rockfish.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be

impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the apportionment of the non-specified reserves of groundfish to the BS Pacific ocean perch, BS trawl sablefish, BSAI shortraker rockfish, BSAI skates, BSAI sharks, and CAI/WAI blackspotted/rougheye rockfish. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of November 9, 2021.

The Assistant Administrator for Fisheries, NOAA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

Under § 679.20(b)(3)(iii), interested persons are invited to submit written comments on this action (see **ADDRESSES**) until December 1, 2021.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: November 16, 2021.

Ngagne Jafnar Gueye,
Acting Deputy Director, Office of Sustainable Fisheries,
National Marine Fisheries Service.